

Request For Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/415,654
Filing Date	10/12/99
First Named Inventor	D.L. McNeely
Art Unit	2634
Examiner Name	Lawrence B. Williams
Attorney Docket Number	RCA 89,830

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
ii. ☐ Other _____

b. ☒ Enclosed

- i. ☐ Amendment/Reply
ii. ☐ Affidavit(s)/Declaration(s)
iii. ☒ Information Disclosure Statement (IDS)
iv. ☒ Other Petition to Withdraw from Issue

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)
b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 07-0832

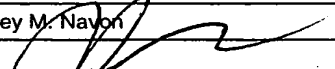
- i. ☒ RCE fee required under 37 C.F.R. 1.17(e)
ii. ☐ Extension of time fee (37 C.F.R. 1.136 and 1.17)
iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

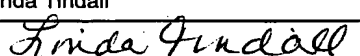
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Jeffrey M. Navon	Registration No. (Attorney/Agent)	32,711
Signature		Date	2/8/05

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print /Type)	Linda Tindall
Signature	
Date	2/9/05

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David Lowell McNeely
Serial No. : 09/415,654
Filed : October 12, 1999
For : SAMPLED DATA DIGITAL FILTERING SYSTEM #21
Art Unit : 2634
Examiner : Lawrence B. Williams

PETITION TO WITHDRAW FROM ISSUE
PURSUANT TO 37 C.F.R. §1.313(B)(5)

Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.313(b)(5), petition is hereby made to withdraw the subject application from issue for abandonment to permit consideration of an Information Disclosure Statement (IDS) under 37 C.F.R. § 1.97 in a continuing application.

In response to a Notice of Allowance dated June 22, 2004, a completed issue fee transmittal form (form PTOL-85) was filed on September 22, 2004 for the purpose of paying the issue fee for the subject application.

Withdraw from issue is requested to permit the Examiner to consider the references cited in the Information Disclosure Statement. A Request for Continued Examination (RCE) under 37 C.F.R. 1.114 and an IDS under 37 C.F.R. §1.97, including copies of the Information Disclosure Statement and cited references, accompany this petition.

Granting of this petition, entry of the accompanying RCE and consideration of the accompanying IDS are believed to be in order and such action is requestfully requested.

CUSTOMER NO.: 24498
Ser. No. 09/415,654

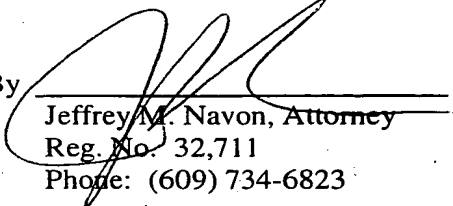
PATENT
RCA 89,830

Please charge the required fee of one hundred thirty dollars (\$130.00) for this Petition to Withdraw from Issue, pursuant to 37 C.F.R. 1.17(i), and any other required fees, to Deposit Account 07-0832.

Respectfully submitted,

DAVID LOWELL McNEELY

By


Jeffrey M. Navon, Attorney
Reg. No. 32,711
Phone: (609) 734-6823

JMN:lat

Enclosures

Patent Operations
Thomson Licensing Inc.
P.O. Box 5312
Princeton, NJ 08543-5312

February 8, 2005

Certificate of Mailing Under 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date

2/9/05

Linda Tindall

